

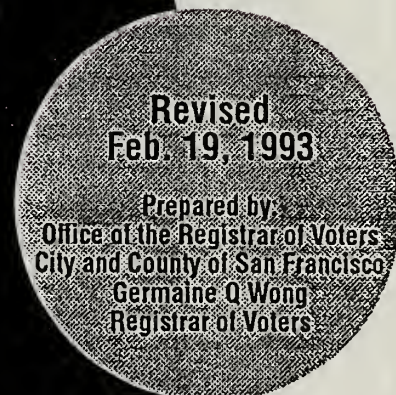
Guide to Initiative Charter Amendments for San Francisco

November 3, 1993
Municipal Election

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PREFACE

This guide describes the requirements for preparing and qualifying San Francisco charter amendments, through the initiative process, for the November 1993 election. This guide merely summarizes the major provisions related to the initiative process for charter amendments and does not have the force and effect of law, regulation, or rule. Interested parties should not rely on this guide as a substitute for consulting their own legal counsel. In case of conflict, the law, regulation, or rule will apply.

This guide is limited to describing the schedule and requirements for qualifying initiative charter amendments for the ballot in San Francisco for the November 2, 1993 election. For information on how to put a proposed ordinance or declaration of policy on the ballot, see the Guide for Ordinances and Declarations of Policy. Requirements for state initiatives are different. For guidance in the state initiative process, please refer to the **California Ballot Initiatives Manual** prepared by the California Secretary of State. Copies of this manual are available from the Secretary of State at 1230 J Street, Sacramento, CA 95814 or the Registrar of Voters.

In this guide, the proponent of a measure is the individual(s) who initially files with the Registrar of Voters the Notice of Intent to Circulate the Petition and requests that a Title and Summary be prepared. Accordingly, when the guide states that "you" may or must do something, "you" refers to the proponent of the petition.

If you are circulating an initiative petition, you may need to file campaign statements under the Political Reform Act of 1974. Consult your legal counsel or the Technical Assistance Division of the Fair Political Practices Commission or this office for information.

Initiative petitions concerning charter amendments are governed by state law, primarily the California Elections Code. Unless otherwise specified, code sections in this guide refer to the California Elections Code (CEC).

If you have questions, please contact Naomi Nishioka, Campaign Services Manager, at 554-4396.

CITIZENS ADVISORY COMMITTEE ON ELECTIONS

Mayoral appointees: Ernest Llorente, Chair, David Binder, Jim Stevens and Molly Wood.

Board of Supervisors appointees: Martha Gillham, Daniel Kalb, Brian Mavrogeorge, George Mix, Jr., Samson Wong, Richmond Young.

Ex officio members: Randy Riddle, Deputy City Attorney, and Germaine Q Wong, Registrar of Voters.

Appointed members represent political organizations, political parties, labor organizations, neighborhood organizations, business organizations and other citizens groups interested in the political process.

The Committee studies and makes advisory recommendations to the officers of the City and County on all matters relating to voter registration, election and the administration of the office of the Registrar of Voter; investigates compliance with the requirements of Federal, State and local election and campaign reporting, disclosure laws and other statutes relating to the conduct of elections in San Francisco; promotes citizen participation in the electoral process; studies and report on all election matters referred to it by various officers of the City and County.

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Guide to initiative
charter amendments for

Important Points:

1. It takes 46,602 valid signatures of registered San Francisco voters to place a proposed charter amendment on the ballot through the initiative process.
2. You must pay a \$200 filing fee when you file the text of your proposed measure and your notice of intent to circulate an initiative petition.
3. You have a maximum of 200 days after the date the notice of intent to circulate was published to obtain signatures and file the petition.
4. For the November 2, 1993 ballot, all sections of the initiative petition, must be submitted by **July 21, 1993**. Qualified petitions submitted after July 21, but within the 200 day limit, will be placed on the ballot at a later election.



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I. Steps to Place a Charter Amendment on the Ballot

Q. 1: How do I get an initiative charter amendment on the November 1993 ballot?

A: There are three parts to getting an initiative on the ballot:

1. You prepare the notice of intent and text of the initiative charter amendment and publish the notice of intent and title and summary prepared by the City Attorney.
2. You prepare, circulate and file the petition.
3. The Registrar of Voters determines whether there is a sufficient number of valid signatures and whether other requirements have been met to qualify the petition for the ballot.

Q. 2: How many signatures does it take to qualify a charter amendment for the ballot?

A: It takes 10% of the total number of registered voters of the city and county as determined by the Registrar of Voters' last official report of registration to the Secretary of State (CEC, Section 4080). The last report to the Secretary of State's Office showed 466,024 registered voters in San Francisco. This computes to 46,602 signatures.

Q. 3: What are the requirements for preparing and publishing the text, title, and summary?

A: The following steps must be taken:

1. Write the text of the proposed charter amendment. We strongly advise that you consult with an attorney to assist you in this step.
2. File with the Registrar of Voters:
 - a. A copy of the text of the proposed measure with a request that the City Attorney prepare a ballot title and summary. The mailing address of the proponent must be included with the request. (See Attachment 1)
 - b. A Notice of Intent to Circulate an Initiative Petition signed by at least one, but not more than three, proponents (See Attachment 2 for language of notice) which may, but need not, contain a written statement of no more than 500 words, setting forth the reasons for the proposed petition. (CEC, Sections 4002, 4002.5 and 4081) See Attachment 2 for language of Notice.
3. Pay the **\$200 filing fee** (make check out to the Registrar of Voters), which is refundable if, within one year of the date of filing the notice of intent, the Registrar certifies that the petition qualifies for the ballot. (CEC, Sections 4002 and 4081))
4. The City Attorney, within 15 days after you have filed your proposed measure, will write a ballot title and summary of your proposed measure. The ballot title may differ from any other title of the proposed measure. In the ballot title, the City Attorney must give a true and impartial statement of the purpose of the proposed measure. The summary may be no longer than 500 words. (CEC, Section 4002.5)

If you disagree with the City Attorney's title and summary, you may file a lawsuit for a writ of mandate challenging the ballot title and/or summary prepared by the City Attorney. The court can issue a writ of mandate if you can prove by clear and convincing evidence that the title or summary is/are false, misleading, or inconsistent with the requirements of Section 4002.5. (CEC, Section 4002.7)

5. You must make arrangements to publish the Notice of Intent and the title and summary of the proposed measure as prepared by the City Attorney at least once in a newspaper of general circulation. (CEC, Section 4003). The County Clerk's office in Room 167 has a list of newspapers qualified to publish legal notices.
6. Within ten days after the date of publication of the Notice of Intent and title and summary, you must file a copy of the Notice and title and summary as published, together with an affidavit made by a representative of the newspaper in which the notice was published, certifying to the fact of publication.

These materials must be filed with the Registrar of Voters between 8:30 a.m. - 4:30 p.m., Monday to Friday, except for holidays. (CEC, Section 4004)

If you do not file the proof of publication within ten days, the Registrar of Voters will not accept the petition for filing.

II. Petition Format

Q. 4: May I design the petition any way I want?

A: There are specific requirements for the petition. Petitions which do not substantially conform to the form requirements will not be accepted for filing by the Registrar of Voters. (CEC, Section 4093). To help you understand the following section, we suggest that you remove Attachment 3 and refer to it as you read the following information.

1. Each section must consist of sheets of white paper uniform in size and must be no smaller than 8-1/2 by 11 inches and no larger than 8-1/2 by 14 inches. (CEC 4087)
2. All sheets of each petition section must be fastened together securely and remain so during the circulation and filing. (CEC 4088)
3. Each section of the petition must include the following portions in the format described below. See attachment 3 for a sample petition which includes all required information.

Above the space for signatures (everything in italics must be on the petition exactly as written):

- a. The following must appear at the top of the first page of each section of the petition:

The heading of the proposed measure shall be in substantially the following form:

Petition for Submission to Voters of Proposed Amendment to the Charter of the City and County of San Francisco. To the Board of Supervisors of the City and County of San Francisco:

We, the undersigned, registered and qualified voters of the State of California, residents of the City and County of San Francisco, pursuant to Section 3 or Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the Board of Supervisors of the City and County this petition and request that the following proposed amendment to the charter of the City and County be submitted to the registered and qualified voters of the City and County for their adoption or rejection at an election on a date to be determined by the Board of Supervisors.

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

It must be followed, in roman bold face type not smaller than 12-point, by the ballot title prepared by the City Attorney.

The summary prepared by the City Attorney must follow the title. (CEC, Section 4002.5) This title and summary must also appear at the top of each page of the petition on which signatures are to be written.

The following language must be included after the title and summary:

The proposed charter amendment reads as follows:
(CEC 4085)

Full text of proposed charter amendment in no less than 10 point type
(CEC 4082)

- b. You must also print the following information in 12-point type prior to the part of the petition for voters' signatures:

NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.
(CEC, Section 41.5)

The spaces for signatures of registered San Francisco voter must:

- a. Be numbered consecutively commencing with the number one (1); and
- b. Include space for the printed name, signature, date signed, residence address, city, zip code, and at least one-inch after each name for use by the Registrar's Office. (CEC, Sections 41 and 4085)

Below the space for signatures:

The circulator must sign a declaration which includes:

- a. A statement that the circulator is a registered San Francisco voter;
- b. The printed name of the circulator;

- c. The residence address of the circulator, at the time of the signing of the declaration, giving street and number, or if no street or number exists, enough information about the residence location so that the Registrar can determine the site.
- d. The dates between which all the signatures to the petition were obtained;
- e. A statement that the circulator circulated that section and witnessed the signers' signatures being written; and
- f. That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.

The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury, then sign her/his name, including given names and middle name or initial. The circulator must state the date and place s/he is signing the declaration immediately following her/his signature. (CEC, Section 44)

Each section must contain the Notice of Intent as published and the text of the measure. (CEC, Sections 4005 and 4081) This can be printed on the back side of the petition.

III. Gathering Signatures

Q. 5: How much time do I have to gather a sufficient number of signatures?

A: You have a maximum of 200 days from the date the notice of intent was published. (CEC, Section 4090) You may begin circulating the petition as soon as your notice of intent, title, and summary are published. (CEC 4005)

In order for an initiative measure to be put on the November 2, 1993 ballot, the petition must be submitted by July 21, 1993 (104 days before the election). (San Francisco Administrative Code Section 5.77.2.)

Q. 6: Who may sign a petition?

A: Any eligible registered voter in San Francisco may sign a petition. (CEC Section 41)

Q. 7: Who may file a petition?

A: The petition must be filed by the proponent or by a person or persons authorized in writing by the proponents. (CEC Sections 4008 and 4090)

Q. 8: Can a person who signs a petition withdraw her/his signature?

A: Yes. Any voter can have her/his signature withdrawn by filing a written request with the Registrar of Voters prior to the day the petition is filed. Once the petition has been filed, no signatures can be withdrawn. (CEC, Sections 43 and 4089)

Q. 9: Can I keep turning in petitions until I reach the required number of signatures?

A: No. All sections of the petition must be filed at one time. Once filed, no additional petition sections may be accepted by the Registrar, and no petition section may be amended except by order of a court of competent jurisdiction. (CEC, Section 4090)

Q.10: How long will it take before I find out if there are enough signatures to qualify the measure for the ballot?

A: Within 30 days from the date of your filing, excluding Saturdays, Sundays and holidays the Registrar of Voters will notify you that your proposed measure did or did not qualify for the ballot. If your petition is found to be sufficient, the Registrar shall certify the results to the Board of Supervisors. (CEC, Sections 3708, 4091, 4093) Note: the Registrar will be able to make this determination more quickly if you bundle your petition sections. See Attachment 4 for instructions.

IV. If the Measure Qualifies

Q.11: If the measure qualifies, will it be on the November 3, 1992 ballot?

A: If your petition conforms to all of the legal requirements and you collect enough valid signatures, and file them all in by July 21, 1993, the measure will qualify for the November 2, 1993 ballot. If it meets all the requirements, but is submitted after July 21, 1993, it will be placed on a later ballot.

Q.12: How many votes does it take to pass a measure?

A: A simple majority of the votes, that is 50% + 1 vote of the total number of votes on the measure. (California Constitution, Article 11, Section 3)

Q.13: If passed by the voters, when will the charter amendment become effective?

A: The charter amendment will go into effect when accepted and filed with the Secretary of State. (Gov't Code, Section 34463)

Q.14: What if there are two conflicting amendment at the same election?

A: The amendment receiving the highest number of affirmative votes controls. (California Constitution, Article 11, Section 3)

V. Reporting and Other Requirements

Q.15: Are there any financial reporting requirements?

A: If you plan to raise and/or spend \$1000 or more in your effort to qualify the initiative and to campaign for its passage, you must form a committee and file campaign disclosure statements. See Registrar of Voters staff for more information.

Q.16: Can I post signs supporting the initiative once it qualifies?

- A.** Yes. However, if you are going to post signs on public property, you must post a bond with the S. F. Department of Public Works and/or file a Statement of Responsibility form with the State Department of Transportation. See Registrar of Voters staff for information.

Attachment 1 - Sample Request for City Attorney Title and Summary

Date _____

Ms. Germaine Wong
Registrar of Voters
City and County of San Francisco
City Hall, Room 158
San Francisco, CA 94102

Dear Ms. Wong:

Enclosed is the draft text of a proposed charter amendment to be submitted to the voters of the City and County of San Francisco. We request that a copy be forwarded to the City Attorney so that a ballot title and summary can be prepared.

Please send the title and summary to:

Name: _____

Address: _____

City : _____ Zip Code : _____

If you have any questions, please call me at _____ (days)

or _____ (nights & weekends).

Sincerely,

Attachment 2 - Sample Notice of Intent to Circulate Petition

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of San Francisco for the purpose of _____ (Optional). A statement of the reasons for the proposed action as contemplated in the petition is as follows (maximum of 500 words):

NAME (PRINTED)	NAME (SIGNATURE)	DATE
(OPTIONAL)		
(OPTIONAL)		

Petition for Submission to Voters of Proposed Amendment to the Charter
of the City and County of San Francisco

The City Attorney of San Francisco has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE AND SUMMARY AS PREPARED BY THE CITY ATTORNEY; THE TITLE MUST BE PRINTED IN BOLDFACE ROMAN TYPE NOT SMALLER THAN 12 POINT; THIS IS AN EXAMPLE OF 12 POINT BOLDFACE ROMAN TYPE. PLEASE FOLLOW THIS FORMAT.

The summary of the initiative as prepared by the City Attorney follows the title. The summary must be printed in Boldface Roman Type, not smaller than 12 point. This is a sample of 12 point boldface roman type. This sample title and summary is exactly 200 words. This sample summary continues for several more lines, to show you how a typical petition section should look. On each section of the petition, above the text of the proposed ordinance or declaration of policy, place the Title and Summary as prepared by the City Attorney. In addition, the City Attorney's Title and Summary must be printed across the top of each page of the petition on which signatures are to appear. Again, the Title and Summary must be printed in Roman boldface type, not smaller than 12 point. This sample title and summary is exactly 200 words. This sample title and summary is exactly 200 words. This sample title and summary is exactly 200 words.

NOTICE TO THE PUBLIC. THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

Use Pen Only — PLEASE PRINT ALL INFORMATION EXCEPT SIGNATURE — Use Pen Only

1	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City Zip Code	
2	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City Zip Code	
3	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City Zip Code	
4	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City Zip Code	
5	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City Zip Code	
	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City Zip Code	
	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City Zip Code	
	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City Zip Code	
	New Reg-Aff #	Print Name	Residence Address	Official Use
		Signature	City Zip Code	

DECLARATION OF CIRCULATOR

I am, and was during all the time while circulating this section of the petition, a registered voter of the City and County of San Francisco. I circulated this of the petition and saw the appended signatures being written. To the best of my information and belief, each signature is the genuine signature of the person who made it purports to be. All signatures were obtained between _____ 199____ and _____ 199____. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

SIGNATURE OF CIRCULATOR (First Name, Middle Name, Surname)	PRINTED NAME OF CIRCULATOR (First Name, Middle Name, Surname)
RESIDENCE ADDRESS OF CIRCULATOR	CITY, STATE Zip Code Telephone Number
Executed at _____, this _____ day of _____, 199____.	

Petition for Submission to Voters of Proposed Amendment to the Charter of the City and County of San Francisco

The City Attorney of San Francisco has prepared the following title and summary of the chief purpose and points of the proposed measure:

TITLE AND SUMMARY AS PREPARED BY THE CITY ATTORNEY; THE TITLE MUST BE PRINTED IN BOLDFACE ROMAN TYPE NOT SMALLER THAN 12 POINT; THIS IS AN EXAMPLE OF 12 POINT BOLDFACE ROMAN TYPE. PLEASE FOLLOW THIS FORMAT.

The summary of the initiative as prepared by the City Attorney follows the title. The summary must be printed in Boldface Roman Type, not smaller than 12 point. This is a sample of 12 point boldface roman type. This sample title and summary is exactly 200 words. This sample summary continues for several more lines, to show you how a typical petition section should look. On each section of the petition, above the title of the proposed ordinance or declaration of policy, place the Title and Summary as prepared by the City Attorney. In addition, the City Attorney's Title and Summary must be printed across the top of each page of the petition on which signatures are to appear. Again, the Title and Summary must be printed in Roman boldface type, not smaller than 12 point. This sample title and summary is exactly 200 words. This sample title and summary is exactly 200 words. This sample title and summary is exactly 200 words.

PUBLISHED NOTICE OF INTENT TO CIRCULATE PETITION

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition with the City and County of San Francisco, for the purpose of _____. A statement of the reasons of the proposed action as contemplated in the petition is as follows: _____. The first sentence, beginning with "Notice is" and ending with "for the purpose of ..." is required. The second sentence is optional. It would contain a statement not more than 500 words giving the reasons for the proposed petition. This notice must contain the exact language as it was published in a San Francisco newspaper of general circulation. The notice must be signed by at least one but not more than three proponents. This sample statement of purpose is exactly 110 words after the official notice which is the first sentence. First Signer, Second Signer, Third Signer

To the Board of Supervisors of the City and County of San Francisco:

We, the undersigned, registered and qualified voters of the State of California, residents of the City and County of San Francisco pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 4 of Title 4 of the Government Code, present to the Board of Supervisors of the City and County this petition and request that the following proposed amendment to the charter of the City and County be submitted to the registered and qualified voters of the City and County for their adoption or rejection at an election on a date to be determined by the Board of Supervisors.

The proposed charter amendment reads as follows:

First. Here you print the full text of your proposed charter amendment in no less than 10 point type.

Etc...

Etc...

Etc...

SAMPLE



